



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – MARCH 21, 2006

SUMMARY MINUTES¹

MARCH 21, 2006

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

William Elkins, President
Sean Harrigan, Vice President
Anne Sheehan, Member
Patricia Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER

– **Laura M. Aguilera, Assistant Executive Officer**

- A.** The Senate Subcommittee reviewing the SPB's budget will meet on March 22, 2006. SPB staff have been meeting with Senate Committee members and with Department of Finance staff to address any concerns they might have regarding the SPB's budget. The primary issue in dispute is funding for the Joint Internet Portal Project with the Department of Personnel Administration. The Legislative Analysts Office, while supporting the merits of the project, is opposed to funding due to technical FSR timeline problems.
- B.** The Examinations Unit has been very busy working with the Department of Corrections and Rehabilitation to place the following examinations on-line: Physician Surgeon, Registered Nurse, Nurse Practitioner, and Physician Assistant. All examinations were put on-line in a very short frame, and the department is appreciative of the assistance received from the SPB.
- C.** The Examinations Unit has also put new Information Technology classification examinations on-line, and received 150 applications within the first hour. Numerous departments have expressed gratitude for the SPB's efforts in this regard.
- D.** The Department of Corrections and Rehabilitation and the Department of the California Highway Patrol have geared up their hiring to fill their Academy classes. The SPB's Medical Unit and Psychological Screening Unit are working closely with the departments in an effort to process a large number of applications in a short period of time so that the Academy classes can commence as scheduled.

¹ The Minutes for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

- E. SPB staff have met with staff from the Department of Personnel Administration regarding a consent decree that pertains to Alternate Pay Ranges based on geographic locations created for Teacher and Vocational Instruction classifications within the Department of Corrections and Rehabilitation. The matter will be scheduled for the Board's review during the April 18, 2006 meeting.
- F. President Elkins will meet with a number of Directors from various state departments today to discuss department obligations under AB 124.
- G. Karen Yu has been appointed as the new Secretariat for the Board.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

Litigation:

McCollum v. State—Third amended complaint filed in response to court order requiring plaintiff to separate out McCollum's claims and the inmates' claims. Deputy Attorney General representing the named defendants will file a response next month.

SEIU v. Office of State Printing, DGS—Suit challenges the constitutionality of a statute which declares that a contract for state printing services is "not a personal services contract." OSP and DGS have pursued outsourcing of state printing services based on the statute. The matter is set for hearing on April 28, 2006 before Judge Connelly. SPB is not a named party and is not actively involved in the suit.

Other:

Survey of 31 state agencies conducted by California AWARE found that none of the agencies were in complete compliance with the Public Records Act and graded the agencies on a scale of A to F-. The State Personnel Board was *not* among the agencies surveyed.

Legal met with Department of Veteran's Affairs re-staffing of new Veteran's home being built in Southern California.

SPB Council of Counsel's Meeting—well attended meeting held March 15, 2006. Attendees were briefed on new whistleblower and discovery regulations.

Labor and Workforce Development Agency Chief Counsel's Meeting—SPB Chief Counsel to attend and speak this afternoon.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Hicks

- A. A number of bills that impact the SPB have been introduced. SPB staff will be providing analysis of those bills for the Board's consideration at the April 4, 2006 Board meeting.
- B. AB 2241 will be heard in the Assembly Public Employee Retirement and Social Security Committee on April 19, 2006. SPB staff has been working with interested parties on possible amendments to the bill.
- C. Sherry Hicks will be providing training to new SPB staff on legislation analysis.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

NO ACTION

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]
(See Action Taken on Page 9–14)

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

NO ACTION

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF
APRIL 4-5, 2006, IN SACRAMENTO, CALIFORNIA**

NONE

BOARD ACTIONS:

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
FEBRUARY 21, 2006**

ACTION: ADOPTED

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

13. EVIDENTIARY CASES

ACTION: See Case Listings on Page 9–15

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes on Page 20–21)**

ACTION: ADOPTED

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

15. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Page 15–17

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On March 21, 2006, the following proposals were presented to the Board by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

ACTION: ADOPTED

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

**LEGAL ASSISTANT
LEGAL ANALYST**

The Office of the State Public Defender, on behalf of all user departments, is proposing to broaden the minimum qualifications for the Legal Assistant and Legal Analyst classification by expanding the definition of law office to encompass other entities where qualifying experience can be found, and to add an early entry feature for the Legal Analyst classification.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes.

Title	Class Code
Chief, Mobility Barriers, Department of Rehabilitation	9631
Chief Rehabilitation Facilities Development	9784
Deputy Executive Secretary, California Pollution Financing Authority	4650
Chief Division of Corporate Filing and Services	6009

Title	Class Code
Division Chief, Secretary of State's Office	5339
Chief of Archives	2797
Assistant Chief, Division of Corporate Filing and Services	6958
Assistant Chief, Elections and Political Reform Division Secretary of State's Office	5232
Health Program Technician I	8342
Health Program Technician II	8343
Public Health Assistant II	8345
Public Health Assistant I	8346
Occupational Technician (Accounting)	5112
Consumer Liaison Officer (Rehabilitation)	5888
Chief Hearing Officer/Executive Secretary, New Motor Vehicle Board	6127

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

STATE PARK MUSEUM DIRECTOR

The Department of Parks and Recreation (DPR) proposes to revise the title of the classification Museum Director, California State Railroad Museum to State Park Museum Director, to allow for expanded use of the classification. This will allow DPR to use the classification at both the California State Railroad Museum and Hearst San Simeon State Historical Monument.

ACTION: NOTED

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes served to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

ASSISTANT SECRETARY, STRATEGIC PLANNING

The California Bay-Delta Authority proposes to allocate the above position to the CEA category. The Assistant Secretary, Strategic Planning will be responsible for setting policy and coordinating strategic planning for the entire CALFED Bay-Delta Program, which includes 25 state and federal agencies and 11 distinct program elements.

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ASSISTANT SECRETARY FOR PROGRAM PERFORMANCE

The California Bay-Delta Authority proposes to allocate the above position to the CEA category. The Assistant Secretary for Program Performance will be the principal policymaker program performance for the CALFED Bay-Delta Program. The incumbent will work with the implementing agencies to develop policies for project management standards and performance-based management tools and develop information and data reporting standards for measuring and assessing project and Program performance.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

ASSISTANT CHIEF COUNSEL

The State Compensation Insurance Fund has withdrawn their proposal to allocate the above position to the CEA category effective February 17, 2006.

ASSISTANT DIRECTOR, CULTURAL AND HISTORICAL ENDOWMENT

The California State Library has withdrawn their proposal to allocate the above position to a permanent CEA allocation effective February 17, 2006. The CEA allocation for the Assistant Director, Cultural and Historical Endowment was originally approved by SPB for a period of two years effective February 17, 2006.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

NO ACTION

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Page 18–19

A D J O U R N M E N T

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13–15
AS NOTED ABOVE.**

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On March 21, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

(1) RONALD FRANKLYN, CASE NO. 05-2105A

Appeal from 20 working days suspension

Classification: Officer

Department: California Highway Patrol

Proposed decision rejected December 20, 2005

Oral argument heard March 8, 2006, Sacramento

Case ready for decision by FULL Board

NO ACTION

(2) ERNEST PITTMAN, CASE NO. 05-1591A

Appeal from dismissal

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

Proposed decision rejected December 6, 2005

Oral argument heard March 8, 2006, Sacramento

Case ready for decision by FULL Board

NO ACTION

(3) RICHARD QUADRELLI, CASE NO. 05-1039A

Appeal from dismissal

Classification: Caltrans Maintenance Supervisor

Department: Department of Transportation

Proposed decision rejected December 6, 2005

Oral argument heard March 8, 2006, Sacramento

Case ready for decision by FULL Board

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On March 21, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

(1) SHERMAN AHL, CASE NO. 05-0853

Appeal from 10 percent reduction in salary for 12 months

Classification: Radiologic Technologist, Correctional Facility

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.

(2) LANA ANDREWS, CASE NO. 05-3399

Appeal from six workdays suspension

Classification: Officer

Department: California Highway Patrol

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.

- (3) **JOHN BARKER, CASE NO. 05-3392 & 05-3393E**
Appeal from limited-term separation and denial of discrimination complaint
Classification: Cook II
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the limited-term separation and denying the discrimination complaint appeal.
- (4) **GREGORY BREWER, CASE NO. 04-2566E**
Appeal from discrimination complaint
Classification: Program Administrator
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision denying the appeal.
- (5) **CHARLES DESCHEPPER, CASE NO. 05-1990**
Appeal from five percent reduction in salary for 12 pay periods
Classification: Industrial Supervisor, Prison Industries (Dairy)
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (6) **CHRISTOPHER FLYNN, CASE NO. 05-1733**
Appeal from rejection during probationary period
Classification: Registered Nurse, Correctional Facility
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the rejection and granting the appeal.
- (7) **RAYMOND HOLM, CASE NO. 05-0512**
Appeal from two years demotion
Classification: Fire Captain to Fire Apparatus Engineer
Department: Department of Forestry and Fire Protection
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the demotion.
- (8) **STEPHANIE T. LAAM, CASE NO. 05-0503**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

- (9) **FRANCES LOPEZ CASE NO. 04-0779B**
Appeal for determination of salary, benefits and interest
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
ACTION: The Board rejected the ALJ's Proposed Decision and remanded the matter back to the ALJ for clarification on specified issues.
- (10) **LARRY MCGUIRE, CASE NO. 04-2243**
Appeal from five working days suspension
Classification: Treatment Team Supervisor
Department: Department of the Youth Authority
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.
- (11) **MOSS DAVID POSNER, CASE NO. 04-2919E**
Appeal from discrimination and retaliation complaint
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision and remanded the case back to the ALJ for clarification on specified issues.
- (12) **FELIX RAYGOZA, CASE NO. 05-1577**
Appeal from dismissal
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
ACTION: The Board rejected the ALJ's Proposed Decision and remanded the matter back to the ALJ.
- (13) **REVONNA ROPER, CASE NO. 03-2724**
Appeal from rejection during probationary period
Classification: Personnel Technician I
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (14) **ROBERT THYARKS, CASE NO. 04-3025**
Appeal from five percent reduction in salary for two pay periods
Classification: Fire Captain A
Department: Department of Forestry and Fire Protection
ACTION: The Board adopted the ALJ's Proposed Decision revoking the reduction in salary.

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- (15) **KIM WILSON, CASE NO. 05-0692E**
Appeal from discrimination complaint
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision denying the appeal.
- (16) **STEPHANIE WILSON, CASE NO. 05-1880**
Appeal from ten percent reduction in salary for six months
Classification: Fire Apparatus Engineer
Department: Department of Forestry and Fire Protection
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (17) **ANDRES HERRERA, CASE NO. 04-2960**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of the Youth Authority
ACTION: The Board adopted the ALJ's Proposed Decision revoking appellant's dismissal.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On March 21, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

- (1) **SENWEE BRADLEY, CASE NO. 05-3114P**
Appeal from rejection during probationary period/dismissal
Classification: Accounting Technician II
Department: California State University, Channel Islands
ACTION: Petition for rehearing denied.
- (2) **JESUS FLORES, CASE NO.05-2530P**
Appeal from 30 work days suspension
Classification: Groundswoker
Department: California State University, Los Angeles
ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **TROY ALLEN, CASE NO. 05-2150A**
Appeal from dismissal
Classification: Caltrans Equipment Operator II
Department: Department of Transportation

Proposed decision rejected February 7, 2006.
Pending oral argument May 2-3, 2006, Los Angeles
NO ACTION
- (2) **ALEJANDRO GILL, CASE NO. 05-0054RA**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 6, 2006
Pending oral argument May 2-3, 2006, Los Angeles
NO ACTION
- (3) **JUDY JOHNSON, CASE NO. 05-1367A**
Appeal from automatic resignation
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles

Proposed decision rejected February 21, 2006.
Pending transcript
NO ACTION

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(4) RICK OCHOA, CASE NO. 04-2373B

Appeal for determination of back salary, benefits and interest

Classification: Youth Correctional Officer

Department: Department of the Youth Authority

Proposed decision rejected January 24, 2006

Pending oral argument April 4-5, 2006, Sacramento

NO ACTION

(5) EDUARDO PEREZ, CASE NO. 05-0763A

Appeal from five percent reduction in salary for six months

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 1, 2005

Oral argument originally set February 7-8, 2006, Los Angeles

Continued to May 2-3, 2006, Los Angeles

NO ACTION

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

On March 21, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

(1) DANIEL CHINN, CASE NO. 05-1971

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Medical withhold

ACTION: WITHDRAWN BY DEPARTMENT

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

(2) NADENE CARPENTER, CASE NO. 05-1934

Classification: Associate Information Systems Analyst

Department: State Personnel Board

Issue: Does not meet minimum qualifications to participate in the examination.

ACTION: DENIED

- (3) **BRENDA DANIEL, CASE NO. 05-0591**
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.
ACTION: DENIED
- (4) **JOSE TINOCO PUNZO, CASE NO. 05-1158**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability and omitting pertinent information.
ACTION: DENIED
- (5) **JUSTIN SMITH, CASE NO. 05-1147**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; due to negative employment history.
ACTION: DENIED
- (6) **FERNANDO VELEZ, CASE NO. 05-0284**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate and omitted pertinent information during selection process.
ACTION: DENIED
- (7) **TANIA VERNOCKE, CASE NO. 05-1152**
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Issue: Suitability and negative law enforcement contacts.
ACTION: DENIED
- (8) **JOHN WALLACE, CASE NO. 04-2009**
Classification: Research Scientist V (Food and Drug Science)
Department: Department of Health Services
Issue: Whether appellant was properly withheld for not meeting the minimum qualifications.
ACTION: GRANTED
- (9) **DWAYNE WINTERS, CASE NO. 05-1154**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate information and a negative employment record.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

On March 21, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

(1) JULIUS ENGEL, CASE NO. 05-0899

Classification: Deputy Attorney General

Department: State Personnel Board

Issue: Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.

ACTION: DENIED

(2) SYRUS PARVESIAN, CASE NO. 05-2372

Classification: Deputy Attorney General

Department: State Personnel Board

Issue: Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.

ACTION: DENIED

E. REQUEST TO FILE CHARGES CASES

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

6. RONALD FRANKLYN, CASE NO. 05-2105A

Appeal from 20 working days suspension. Officer. California Highway Patrol. (Oral argument held March 8, 2006.)

NO ACTION

7. ERNEST PITMAN, CASE NO. 05-1591A

Appeal from dismissal. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument held March 8, 2006.)

NO ACTION

8. RICHARD QUADRELLI, CASE NO. 05-1039A

Appeal from dismissal. Caltrans Maintenance Supervisor. Department of Transportation. (Oral argument held March 8, 2006.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;


WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on March 21, 2006.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

A handwritten signature in black ink, appearing to read "Laura M. Aguilera". The signature is fluid and cursive, with a large loop at the end.

Laura M. Aguilera
Assistant Executive Officer
California State Personnel Board